

Monte J. White
State Bar No. 00785232
Monte J. White & Associates
1106 Brook Avenue
Wichita Falls, Texas 76301
(940) 723-0099
(940) 723-0096 Fax

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

IN RE:	§	CASE NO. 12-10349-RLJ-13-RLJ-13
James Edward Manak	§	
and	§	
Cynthia Anne Manak	§	
DEBTORS	§	

MOTION TO ALLOW DEBTORS TO SELL PROPERTY
AND APPLICATION FOR ATTORNEY FEES

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, DEBTORS, James Edward Manak and Cynthia Anne Manak, and file this *Motion to Allow Debtor to Sell Property and Application for Attorney Fees*, and would respectfully show the Court as follows:

1. Debtors' Chapter 13 case was filed on November 27, 2012.
2. Debtors' case was confirmed on March 1, 2013.
3. Debtors received a loan from Wells Fargo Bank for the purchase of real property located at 133 Buckshot Road, Abilene, Taylor County, Texas further described as Lot 9, Block A, Deerwood Section 1, Abilene, Taylor County, Texas :
4. Debtors have scheduled Wells Fargo Bank as a secured creditor on Schedule D of the petition and have treated Wells Fargo Bank as a secured creditor in the Chapter 13 Plan;
5. Debtors wish to sell the house and apply the proceeds of such sale to the principle debt owing in the approximate amount of \$250,000.00 , and;
6. Debtors have located a buyer and an agreement has been reached to sell the house for \$254,900.00. Said agreement is attached as EXHIBIT A.
7. Debtors requests that the Court grant permission to pay such expenses of sale as set forth in the said attached agreement (EXHIBIT A).
8. Debtors further request the Court award additional attorney fees in the amount of \$400.00 plus \$176.00 for the filing fees to be paid directly by Debtors.

FOR THESE REASONS, Debtors request an order allowing the sale of real property located at

133 Buckshot Road, Abilene, Texas, that Wells Fargo Bank's lien attach to the proceeds of the sale pending distribution, that costs of sale be paid as per the contract at closing, that taxes be prorated to and paid at the time of closing, that the Trustee be provided a copy of the closing statement that attorney fees in the amount of \$400.00 and filing fees in the amount of \$176.00 are approved and for such additional or alternative relief as may be just and proper.

Respectfully submitted,

/s/Monte J. White
Attorney for Debtors

IMPORTANT NOTICE

PURSUANT TO LOCAL BANKRUPTCY RULE 9007, YOU ARE HEREBY NOTIFIED THAT NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT 306 GEORGE H. MAHON BLDG, FEDERAL COURT HOUSE, 1205 TEXAS AVENUE, LUBBOCK, TX 79401-4002 BEFORE 4:30 P.M. BY TWENTY (21) DAYS FROM THE DATE OF SERVICE HEREOF.

UNDER BANKRUPTCY RULE 9006(A), SERVICE BY MAIL IS COMPLETE UPON MAILING. UNDER BANKRUPTCY RULE 9006(F), THREE (3) DAYS ARE ADDED TO PERIOD FOR ANSWER OR OTHER RESPONSE WHEN SERVICE IS BY MAIL.

ANY RESPONSE MUST BE IN WRITING AND FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED, A HEARING WILL BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion to Allow Debtors to Sell Property and Application for Attorney Fees* was served April 25, 2014, on the following parties by ECF and/or regular First Class mail:

Walter O'Cheskey
Standing Chapter 13 Trustee
2575 South Loop 289, Suite 103
Lubbock, Texas 79423

U.S. Trustee
1100 Commerce Street
Room 9C60
Dallas, Texas 75242

James Edward Manak
Cynthia Anne Manak
9515 Autumn Run Lane
Converse, TX 78109

Also, attached Matrix

/s/Monte J. White
Attorney for Debtor

Label Matrix for local noticing
0539-1
Case 12-10349-rlj13
Northern District of Texas
Abilene
Thu Apr 24 15:23:59 CDT 2014

306 Federal Building
1205 Texas Avenue
Lubbock, TX 79401-4037

(p)AMERICAN HONDA FINANCE
P O BOX 168088
IRVING TX 75016-8088

Bay Area Dermatology
12 Professional Park Dr.
Webster, TX 77598-4194

Capital One, N.a.
Capital One Bank -USA N.A.
PO Box 30285
Salt Lake City, UT 84130-0285

Communities of Abilene
P.O. Box 815909
Dallas, TX 75381-5909

Dept Of Ed-sallie Mae
Po Box 9635
Wilkes Barre, PA 18773-9635

ECMC
P.O. BOX 16408
OAKDALE, MN 55116-0408

GE Capital Retail Bank
c/o Recovery Management Systems Corp
25 SE 2nd Ave Suite 1120
Miami FL 33131-1605

Gemb-evron
Attention: Bankruptcy
PO Box 103104
Roswell, GA 30076-9104

Jefferson Capital Systems LLC
PO BOX 7999
ST CLOUD, MN 56302-7999

(p)CREDITORS BANKRUPTCY SERVICE
15660 DALLAS PKWY
SUITE 300
DALLAS TX 75248-3354

Austin County Tax Appraisal Office
804 E. Wendt St.
Bellville, TX 77418-2840

Cap One
Po Box 5253
Carol Stream, IL 60197-5253

Chela-Sallie Mae
Attn: Claims Department
PO Box 9500
Wilkes-Barre, PA 18773-9500

Cynthia Anne Manak
133 Buckshot Rd.
Abilene, TX 79602-6437

Dr. Charles Scruggs
2501 Palmer, Ste. 105
Texas City, TX 77590-7000

ECMC
PO BOX 75906
ST. PAUL, MN 55175-0906

Gecrb-amazon
Po Box 981400
El Paso, TX 79998-1400

Gemb-lowes Pc
Attn: bankruptcy
PO Box 103104
Roswell, GA 30076-9104

United States Trustee
1100 Commerce Street
Room 976
Dallas, TX 75242-0996

Abilene Federal Credit
810 N 6th St
Abilene, TX 79601-5298

Barclays Bank Delaware-Juniper
Attention: Bankruptcy
PO Box 1337
Philadelphia, PA 19101

Capital One, N.A.
c o Becket and Lee LLP
POB 3001
Malvern, PA 19355-0701

Clear Lake Reg Med Center
P.O. Box 406795
Atlanta, GA 30384-6795

Dentalworks
P.O. Box 202752
Dallas, TX 75320-2752

Dr. Craig Urban
3190 Antilley Rd.
Abilene, TX 79606-5015

GE Capital Retail Bank
Attn: Bankruptcy Department
PO Box 960061
Orlando FL 32896-0661

Gecrb-discount Tire
CO Po Box 965036
Orlando, FL 32896-5036

Gulf Breeze Dental Care
P.O. Box 31583
Independence, OH 44131-0583

Hsbc Bank
Attn: Bankruptcy
PO Box 5213
Carol Stream, IL 60197-5213

Internal Revenue Service
1100 Commerce
MC 5029 DAL
Dallas, TX 75242-1100

(p) INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

James Edward Manak
133 Buckshot Rd.
Abilene, TX 79602-6437

Kohls-capone
Po Box 3115
Milwaukee, WI 53201-3115

Memorial Herman
909 Frstwood Dr., Ste 3:100
Houston, TX 77024-2301

(p)MICHAEL REED OR LEE GORDON
PO BOX 1269
ROUND ROCK TX 78680-1269

Military Star-AAFES
AAFES
PO Box 650060
Dallas, TX 75265-0060

Monte J. White & Associates, P.C.
402 Cypress, Suite 310
Abilene, TX 79601-5151

NAVY FEDERAL CREDIT UNION
PO BOX 3000
MERRIFIELD, VA 22119-3000

Navy Fcu
Attention: Bankruptcy
PO Box 3000
Merrifield, VA 22119-3000

Nelnet
Attn: Claims
PO Box 17460
Denver, CO 80217-0460

Nelnet on behalf of Educational Mgt. Credit
ECMC-CA
PO Box 419026
Rancho Cordova, CA 95741-9026

OAK HARBOR CAPITAL VII, LLC
C O WEINSTEIN AND RILEY, PS
2001 WESTERN AVENUE, STE 400
SEATTLE, WA 98121-3132

(p) PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Rodale
P.O. Box 6001
Emmaus, PA 18098-0601

Sallie Mae Inc. on behalf of
Department of Education
P.O. Box 740351
Atlanta, GA. 30374-0351

Sallie Mae Inc. on behalf of USA FUNDS
Attn: Bankruptcy Litigation Unit E3149
P.O. Box 9430
Wilkes-Barre, PA 18773-9430

(p) SPRINT NEXTEL CORRESPONDENCE
ATTN BANKRUPTCY DEPT
PO BOX 7949
OVERLAND PARK KS 66207-0949

Taylor CAD
co Lee Gordon
P.O. Box 1269
Round Rock, TX 78680-1269

Taylor Co. Central Appraisal District
1534 South Treadaway Blvd
Abilene, TX 79602-4927

(p) TOYOTA MOTOR CREDIT CORPORATION
PO BOX 8026
CEDAR RAPIDS IA 52408-8026

Toyota Motor Credit Corporation -TMCC
PO BOX 8026
Cedar Rapids, Iowa 52408-8026

USAA FEDERAL SAVINGS BANK
C O WEINSTEIN AND RILEY, PS
2001 WESTERN AVENUE, STE 400
SEATTLE, WA 98121-3132

UT Physicians
P.O. Box 201088
Houston, TX 77216-1088

UTMB at Galveston
P.O. Box 4295
Houston, TX 77210-4295

Usaa Savings Bank
Po Box 47504
San Antonio, TX 78265-7504

Wells Fargo Bank, N.A.
Attention: Bankruptcy Department
MAC No. D3347-014
3476 Stateview Blvd
Fort Mill, South Carolina 29715-7203

Wells Fargo Hm Mortgag
Po Box 10335
Des Moines, IA 50306-0335

West Central Tx Coll B
Po Box 2586
Abilene, TX 79604-2586

Wetsel & Carmichael, L.L.P.
207 Oak St.
Sweetwater, TX 79556-4505

eCAST Settlement Corporation
POB 29262
New York, NY 10087-9262

Pamela Jean Chaney
Monte J. White & Associates, P.C.
American State Building
402 Cypress, Ste. 310
Abilene, TX 79601-5151

Walter 12,13 OCheskey
6308 Iola Avenue
Lubbock, TX 79424-2735

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

AAFES-MIL STAR-EXCHANGE
CO Creditors Bankruptcy Service
P.O. Box 740933
Dallas, TX 75374

American Honda Finance
3625 W Royal Lane
Irving, TX 75063

(d)American Honda Finance Corporation
National Bankruptcy Center
P.O. Box 168088
Irving, TX 75016-8088

Internal Revenue Service
PO Box 21126
Philadelphia, PA 19114

Michael Reed
McCreary Veselka, Bragg & Allen P.C.
PO Box 1269
Round Rock, TX 78680

Portfolio Recovery Associates, LLC
c/o Capital One
POB 41067
Norfolk VA 23541

(d)Portfolio Recovery Associates, LLC
c/o HSEC Bank Nevada, N.A.
POB 41067
Norfolk VA 23541

(d)Portfolio Recovery Associates, LLC
c/o Lowe's Project Card
POB 41067
Norfolk VA 23541

Sprint
PO Box 79357
City of Industry, CA 91716-9357

(d)Sprint Nextel
Attn Bankruptcy Dept
PO Box 7949
Overland Park KS 66207-0949

Toyota Motor Credit
Toyota Financial Services
PO Box 8026
Cedar Rapids, IA 52408

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)JEFFERSON CAPITAL SYSTEMS LLC
PO BOX 7999
ST CLOUD MN 56302-7999

(d)Taylor CAD
co Lee Gordon
P.O. Box 1269
Round Rock, TX 78680-1269

(d)Cynthia Anne Manak
133 Buckshot Rd.
Abilene, TX 79602-6437

(d)James Edward Manak
133 Buckshot Rd.
Abilene, TX 79602-6437

End of Label Matrix
Mailable recipients 63
Bypassed recipients 4
Total 67